

Land Districts, and now included in Young county Land District ;

An act supplemental to an act fixing the times for holding the courts in the 14th Judicial District ;

An act making an appropriation for the purchase of a permanent location for the institution established for the education of the blind of the State of Texas ;

An act to amend an act to create the 13th Judicial District, providing for the election of a Judge and District Attorney thereof, and define the time of holding courts therein ;

An act for the relief of the heirs of John Fox ;

An act for the relief of the heirs of Frederick Henneger, deceased, or their assigns ;

And having been signed, by the proper officers, were this day presented to the Governor for his approval.

On motion of Mr. Russell, the Senate adjourned until tomorrow morning, at 10 o'clock.

FRIDAY, February 12, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed—

A Senate's bill to provide for the payment of three companies of minute-men, commanded by Captains John W. Sansom, John D. Davenport, and R. W. Black ;

A House bill to establish uniform weights and measures ;

A Senate's bill to authorize the sale of the public domain.

And the following bills originating in the House :

A joint resolution in relation to the Indians residing in the counties of Polk and Tyler ; and

A substitute for a Senate's bill to provide for arranging, digesting and publishing the laws of the State, of a general nature—civil and criminal.

And the following Senate's bills :

A bill for the relief of John W. Hayden ;

A bill for the relief of W. B. Mauldin ; and

A bill for the relief of Sherrod and Ezekiel Roland ; and

A bill for the relief of Lewis David, with an amendment.

And the following bill originating in the House :

A bill to amend the 1st, 2d, 3d, and 5th sections of an act creating the office of Weigher of Cotton, for certain ports in this State, passed Sept. 1st, 1856.

And that the House concur in the Senate's amendments to a bill for the relief of the widow and heirs of Daniel Martin, deceased ; and to

A bill to incorporate military uniformed companies now organized or to be organized in the State.

And had passed the following bills originating in the Senate :

A bill making an appropriation for the support of the Penitentiary for the years 1858 and 1859 ;

A bill to amend the 3d, 9th and 10th sections of an act incorporating the Clarksville and Mount Pleasant Turnpike Company :

A bill for the relief of D. M. Symonds' heirs ; and

A bill for the relief of John Gay's heirs ; and

A bill for the relief of P. J. Jennings, originating in the House.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported—

A bill for the relief of Sherrod and Ezekiel Roland, correctly engrossed.

Mr. Martin made the following reports :

The committee on Private Land Claims have considered a bill for the relief of J. B. and D. R. Wortham, and beg leave to report :—That Marion, alias F. M. Woodward, was a citizen of the Republic of Texas on the day of the declaration of independence, and entitled with donation and bounty lands and to a head-right certificate for one-third of a league of land ; that he made a *bona fide* assignment of all his interest to J. B. and D. R. Wortham. The last Legislature was satisfied of these facts. The bill passed the House, but in being incorporated into an omnibus bill in the Senate, by a clerical error it was made to read—to Marion Woodward, deceased ; said Woodward being still alive. The committee are satisfied that Woodward was entitled, and that the Worthams are *bona fide* purchasers from him. I am, therefore, instructed to recommend the passage of the bill.

The committee on Private Land Claims have considered a bill for the relief of John Reid, and a bill for the relief of the widow and heirs of Daniel Martin, deceased, and instruct me to recommend their passage.

Mr. Hyde introduced a bill to amend the 3d and 4th sections of an act to authorize the county courts of this State to grant a license for the retail of spirituous, vinous, and of intoxicating liquors, in quantities less than a quart, and imposing a license tax for such privilege ; read first time.

On motion of Mr. Russell, the rule was suspended and bill read second time.

Mr. McCulloch moved the indefinite postponement of the bill ; lost by the following vote :

YEAS—Messrs. Caldwell, Erath, Guinn, McCulloch, Paschal, Pedigo, and Scarborough—7.

NAYS—Messrs. Burroughs, Fall, Graham, Grimes, Herbert, Hyde, Martin, Maverick, Russell, Shepard, Stockdale, Tankersly, Taylor of Fannin, Throckmorton, Truitt, Walker and Whaley—17.

On motion of Mr. Throckmorton, the bill was amended by making the amount of the bond required of persons taking out a license, for the good conduct of the house, \$1,000 00 instead of \$250 00.

On motion of Mr. Stockdale, the bill was amended by striking out "whether licensed or not," and inserting "unlicensed" in lieu thereof.

Mr. Guinn moved a call of the Senate ; lost.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Burroughs, Fall, Grimes, Herbert, Hyde, Lott, Russell, Scarborough, Shepard, Stockdale, Tankersly, Throckmorton, Truitt, Walker and Whaley—15.

NAYS—Messrs. Caldwell, Erath, Graham, Guinn, McCulloch, Martin, Paschal, Pedigo, Pirkey, and Taylor of Fannin—10.

On motion of Mr. Russell, the rule was suspended, bill read third time and passed.

Mr. Burroughs introduced a bill supplemental to an act to incorporate the Opelousas and Texas Western Railroad Company, passed by the seventh Legislature ; read first time.

Rule suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Pirkey, Scarborough, Shepard,

Tankersly, Throckmorton, Truitt, Whaley and Wigfall—22.

NAYS.—Messrs. Russell, Stockdale and Taylor of Fannin—3.

Mr. Throckmorton introduced a joint resolution relative to an alphabetical index of the laws, special and private, to be made out by the Secretary of the Senate and Chief Clerk of the House ; read first time.

Rule suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Stockdale offered the following resolution, which was adopted :

Resolved, That the Secretary of the Senate be authorized to furnish to Gen. T. J. Chambers a certified copy of the memorial and proposition of said Chambers, to this Legislature, for the adjustment of the conflicting titles to the land upon which the Capitol is situated.

On motion of Mr. Graham, a bill for the relief of the widow and heirs of Daniel Martin, deceased, was taken up and read a second time.

On motion of Mr. Grimes, the bill was amended by striking out "free of those charges for dues except for surveying and patenting fees."

The bill was then passed to a third reading.

Rule suspended, bill read third time and passed.

On motion of Mr. Tankersly, a bill to relinquish to the Houston and Texas Central Railroad Company a certain bond therein named, was taken up, read second time and ordered to be engrossed.

Rule suspended, bill read third time and passed.

A bill to establish uniform weights and measures ; read first time.

On motion of Mr. Caldwell, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

Joint resolutions, relative to the arrest of General William Walker by Commodore Paulding, were read third time, and on motion of Mr. Throckmorton, laid on the table by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Fall, Grimes, Hyde, Martin, Maverick, Paschal, Scarborough, Tankersly, Throckmorton and Wigfall—13.

NAYS—Messrs. Graham, Herbert, Lott, McCulloch, Pedigo, Pirkey, Russell, Shepard, Stockdale and Whaley—10.

On motion of Mr. Paschal, a House bill to incorporate the Mexican Gulf, Texas and Missouri Railroad Company, with the report of the committee on Internal Improvements, offering amendments thereto, was taken up, read, and amendments adopted.

On motion of Mr. Whaley, the bill was amended by striking out "October 1st, 1858," and inserting "February, 1859," in lieu thereof.

The bill was then passed to a third reading.

Rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Fall, Graham, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Pirkey, Scarborough, Shepard, Stockdale, Tankersly, Throckmorton, Whaley and Wigfall—17.

NAYS—Messrs. Burroughs, Caldwell, Erath, Grimes and Russell—5.

The report of the committee on the Judiciary, recommending the rejection of a joint resolution proposing an amendment to the Constitution, so as to allow appeals, as a matter of right, from Justices' courts, was read, and

On motion of Mr. Guinn, adopted by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Herbert, Hyde, Martin, Maverick, Paschal, Pirkey, Scarborough, Shepard, Stockdale, Tankersly, Whaley and Wigfall—18.

NAYS—Messrs. Fall, Lott, McCulloch, Pedigo, Russell, Throckmorton and Truitt—7.

A House bill supplemental to and amendatory of an act to regulate railroad companies, approved Feb. 7, 1853, and approved Dec. 19th, 1857, was read first and second times and referred to the committee on Internal Improvements.

The substitute of the House for a Senate's bill to provide for arranging, digesting and publishing the laws of the State, of a general nature—civil and criminal, was read first and second times and referred to the committee on the Judiciary.

On motion of Mr. Throckmorton, a bill to amend the 8th section of an act to encourage the construction of railroads in Texas by donations of lands, passed Jan. 30, 1854, and to repeal an act amendatory of the same, passed Sept. 1, 1856, was taken up, read, and ordered to be engrossed.

Rule suspended, bill read third time and passed.

A bill for the relief of Elizabeth Rice was read a third time and passed.

The report of the Judiciary committee, offering an amendment to a joint resolution proposing an amendment to the Constitution so as to provide for a sale of the school lands; was read, amendment adopted, and bill passed to a third reading.

The report from the Select committee, offering amendments to a House bill to authorize Wm. M. Spalding to bring suit in the District Court of Liberty county against the State, was taken up, read, and the report was rejected.

Mr. Hyde offered a bill for the relief of Wm. M. Spalding, as a substitute for the one under consideration; rejected.

The bill was then passed to a third reading.

On motion of Mr. Pedigo, the rule was suspended, bill read third time and passed.

The report from the committee on the Judiciary, on a bill to exempt ferry boats from execution and forced sale, recommending its rejection, was taken up, read, report laid on the table, and bill passed to a third reading.

On motion of Mr. Caldwell, the rule was suspended and bill read third time.

On motion of Mr. Guinn, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met—roll called, quorum present.

The bill to exempt ferry boats from execution and forced sale, was passed by the following vote:

YEAS—Messrs. Caldwell, Fall, Graham, Grimes, Herbert, Hyde, Lott, McCulloch, Maverick, Pedigo, Pirkey, Scarborough, Throckmorton, Truitt, Walker and Wigfall—16.

NAYS—Messrs. Burroughs, Guinn, Martin, Paschal, Russell, Shepard, Stockdale, Tankersly and Whaley—10.

On motion of Mr. Tankersly, a House bill for the relief of John Reid was read second time and passed to a third reading.

Rule suspended, bill read a third time and passed.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill supplemental to an act to encourage the construction of railroads in Texas by donations of lands ; and

A bill to amend the 3d and 4th sections of an act to authorize the County Courts of this State to grant a license for the retail of spirituous, vinous, and other liquors in quantities less than a quart, and imposing a license tax for such privilege, approved Feb. 2d, 1856.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the House :

A bill making an appropriation to pay a portion of the 2d class debt of the late Republic of Texas ;

A bill to regulate the printing of the proclamations of the Governor ordering the votes to be taken upon resolutions to change the Constitution of the State of Texas ; and

A bill for the relief of Alexander F. Allbright, Enoch Grigsby, L. W. Hancock, the heirs of Charles Gilchrist, and the heirs of Lewis Fuentes.

By leave, Mr. Grimes made the following report :

The committee on Finance, to which was referred a bill amendatory of the laws to raise a revenue by direct taxation, have considered the same, and report the bill with amendments, and recommend the adoption of the amendments and the passage of the bill.

AMENDMENTS.

For nine or ten-pin alleys, strike out "twenty" and insert "forty."

Sec. 6, line 6, after "occupation," strike out balance of section, and to "of," in section 7.

Add first part of 6th section to latter part of section 7,—making in all one section.

After "dollars," in line 19, section 7, add—

It shall be the duty of each and every person or firm, before entering upon any of the occupations upon which a license tax is imposed by this act, to first call upon the Assessor and Collector of the county in which he may intend to follow such occupation, and pay the tax required, and take a receipt for the same, setting forth the occupation and the amount of tax paid ; which receipt he shall file with the Clerk of the County Court, who shall thereupon issue him a license to follow such occupation for the term for which the license tax has been paid. It shall be the further duty of the Clerk to keep a book, in which he shall enter the names of all persons

obtaining a license, occupation, amount of tax paid and date of license ; which book shall, at all times, be open to the inspection of the County Court, and to all officers, executive or judicial, of his county ; a transcript of which book, certified by the Chief Justice, and under the seal of the Court, he shall transmit to the Comptroller on the first day of June in each and every year. For which service the Clerk shall be entitled to a fee of one dollar in each case, to be paid by the party obtaining the license.

Sec. 7. If any person or firm shall pursue any occupation upon which a license tax is imposed by this act, without first having obtained a license, such offender shall forfeit and pay double the amount of the license tax, with costs of suit, recoverable before any Justice of the Peace of the county, one-half to be paid to the Assessor and Collector, which shall be accounted for by him and paid into the State Treasury, as other license tax is required to be paid, and the other half shall be paid to the informer.

Sec. 8. It shall be the duty of all Sheriffs, Constables, Assessors and Collectors of taxes, to arrest all persons that they shall find, in their respective counties, following any occupation, upon which a license tax is imposed, without having first obtained a license therefor, and take him before some Justice of the Peace of his county, to be dealt with as provided for in the preceding section of this act.

On motion of Mr. Grimes, the rule was suspended, and the report and bill taken up, read, and the amendments adopted.

On motion of Mr. Guinn, the bill was amended by striking out "forty cents," as the amount of poll tax, and inserting "fifty cents."

Mr. Guinn moved to strike out "ten cents" on the hundred dollars, as an *ad valorem* tax, upon which the yeas and nays stood as follows :

YEAS—Messrs. Guinn, Hyde, Maverick, Paschal, Pirkey, Russell, Scarborough, Shepard, Stockdale, Tankersly, Throckmorton and Wigfall—12.

NAYS—Messrs. Burroughs, Caldwell, Erath, Fall, Grimes, Herbert, Lott, McCulloch, Martin, Truitt, Walker and Whalley—12:

There being a tie vote, the President voted in the affirmative ; so the motion to strike out prevailed.

Mr. Russell moved to fill the blank thus created with "fifteen ; which motion was lost by the following vote :

YEAS—Messrs. Guinn, Maverick, Paschal, Pirkey, Russell, Scarborough, Shepard, Stockdale, Tankersly and Throckmorton—10.

NAYS—Messrs. Burroughs, Caldwell, Erath, Fall, Grimes, Herbert, Hyde, Lott, McCulloch, Martin, Truitt, Walker, Whaley and Wigfall—14.

Mr. Wigfall moved a reconsideration of the vote just taken.

On motion of Mr. Wigfall, a call of the Senate was ordered.

Absent—Messrs. Britton, Graham, Pedigo, and Taylor of Fannin.

On motion of Mr. Maverick, the bill for the relief of Ann M. Bradley was read and ordered to be engrossed.

Rule suspended, bill read a third time and passed.

On motion of Mr. Grimes, a House bill for the relief of P. J. Jennings was taken up and read first time.

Rule suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Martin, the bill to incorporate the Free-stone School Association, was taken up, read a second time and passed to a third reading.

Rule suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Russell, Scarborough, Shepard, Stockdale, Tankersly, Throckmorton, Truitt, Walker, Whaley and Wigfall—25.

NAYS—None.

On motion of Mr. Russell, the Senate adjourned until to-morrow morning, at 10 o'clock.

SATURDAY, February 13, 1858.

The Senate met pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following Senate's bills :

A bill for the relief of the heirs of Leonard A. Ashmore and the heirs of John Ashmore.